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AGILENT TECHNOLOGIES, INC. and HP
INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY,

Plaintiff, and Counter
Defendant,

v.

AGILENT TECHNOLOGIES, INC., a
Delaware corporation; HEWLETT PACKARD
COMPANY, a Delaware
corporation; and HEWLETT PACKARD
ENTERPRISE COMPANY, a Delaware
corporation,

Defendants,
Counterclaimants and Third
Party Plaintiffs.

AND RELATED CROSS-ACTIONS.

Case No. 3:18-cv-01199 VC

**DEFENDANTS AGILENT
TECHNOLOGIES, INC. AND HP INC.'S
NOTICE OF ADDITIONAL
AUTHORITY**

Date: November 4, 2021
Time: 10:00 a.m.
Courtroom: 4
Judge: Hon. Vince Chhabria

1 TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

2 In anticipation of the November 4, 2021 hearing on (1) the Motion for Partial Summary
3 Judgment on CERCLA Claim and Motion for Partial Summary Judgment on Defendants'
4 Affirmative Defenses against Hewlett-Packard filed by Plaintiff The Board of Trustees of the
5 Leland Stanford Junior University ("Stanford" or "Plaintiff") (Dkt. No. 106, "Stanford's Motion")
6 and (2) the Opposition to Plaintiff's Motion for Partial Summary Judgment and Cross-Motion for
7 Summary Judgment on Plaintiff's CERCLA, Nuisance, and Trespass Claims filed by Defendants
8 and Counterclaimants Agilent Technologies, Inc. ("Agilent") and HP Inc. ("HP") (Dkt. No. 145-1,
9 "Agilent/HP's Opposition and Cross-Motion"), Agilent and HP provide the Court and Stanford
10 with the following notice:

- 11 1. With respect to Section III(B) of Stanford's Motion, Agilent and HP may discuss
12 *Redwing Carriers, Inc. v. Saraland Partners*, 94 F.3d 1489 (11th Cir. 1996) in
13 addition to the cases cited in the prior briefing. *Redwing Carrier* is discussed in-
14 depth in *Otay Land Co., LLC v. U.E. Ltd., L.P.*, 15 Cal. App. 5th 806, 838 (2017).
15 *Otay* is cited at page 8 of Agilent/HP's Opposition and Cross-Motion. A copy of
16 *Redwing Carriers* is attached as **Exhibit A**.
 - 17 2. With respect to Section III(C)(2) of Stanford's Motion, Agilent and HP may discuss
18 *L'Koral, Inc. v. TIG Insurance Co.*, No. B151757, 2002 WL 31521530 (Cal. Ct.
19 App. Nov. 14, 2002). A copy of *L'Koral* is attached as **Exhibit B**.
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1 Dated: November 2, 2021

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By: /s/ Neel Chatterjee

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12 and Third Party Plaintiffs
AGILENT TECHNOLOGIES, INC. and HP
13 INC.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on November 2, 2021. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 2nd day of November, 2021.

/s/ Neel Chatterjee

NEEL CHATTERJEE